

Philadelphia Monday Feb^y 26th 1781.

This day I took my seat in Congress for the first time — Monday Tuesday and Wednesday was employ'd in the usual business — On Thursday being the first of March the Confederation of the United States was finally established in Congress to be perpetual, being first considered and assented to by the Legislatures of all the States — By a signal given at the State House the completion of this grand Union & Confederation was announced by firing thirteen cannon on the Hill and the same number on board Capt^l Paul Jones's Frigate in the Harbour — At two o'clock the members of Congress, the members of the general assembly of Pennsylvania, the President and Council of that State, the officers of the army in town, the officers of State and a great number of gentlemen waited on the President of Congress to congratulate him on this occasion, and presented a collection prepared at his House for that purpose — In the evening
thus

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There was a grand exhibition of fireworks at the State House, & also on board Paul Jones Frigate in the Harbor - And all the vessels in the Harbor were decorated and illuminated on this occasion and great joy appeared in every countenance but those of the Disaffected -

March 2^d. The States of New Hampshire and Rhode Island having each but one member in Congress, they became unrepresented by the confirmation of the Confederation - By which not more than seven nor less than two members is allowed to represent any State - Whereupon General Sullivan, Delegate from New Hampshire moved - That Congress would appoint a Committee of the States, and adjourn till those States could send forward a sufficient number of Delegates to represent them - Or that they would allow those Delegates now in Congress to give the vote of the States till one more from each of those States was sent to Congress to make their representation complete - He alluded ^{that}

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that it was but just for Congress to do one or the other of these - For that the act of Congress by completing the Confederation and not to deprive those States of their representation without giving them due Notice, as their representation was complete before, & that they did not know when the Confederation would be completed - Therefore if the Confederation put it out of the power of Congress to allow the States vote in Congress because there was but one member from each of them, they ought in justice to those States to appoint a Committee of the States, in which they would have an equal voice - This motion was seconded by Genl. Parsons from Rhode Island and enforced by arguments to the same purpose -

But all these Arguments were ably ^{contested} by Mr. Burke of N. C. and others, and the absurdity of the motion fully pointed out, so that the question passed off without a Division - But it was the general Opinion of Congress that those members might

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might continue to sit in Congress, and debate &
serve on committees, tho they could not give
the vote of their states —

~~Friday~~ March 3 — Saturday — Not being in
Congress I did not hear the debate of this day but
the only question of importance was "that those
members who had served three years were now
by the confederation ineligible" but the question
was lost by passing off without a division so
that no vote was entered about it, and the old
members ~~was~~ continued of course — It being
the general sense of Congress that the term of
three years intended should commence with
the confederation —

Monday March 5th 1781 — When we
came to do business this morning it was pro-
posed by the President that Congress should determine
what number of states in Congress assembled
competent to do business — This brought on
a long and learned debate — It was argued
by

(5)
by Mr. Duane of N. Y. Mr. ^{of Connecticut}
Mr. Madison ^{of Virginia} ~~of Maryland~~ ^{Mr. Root} ~~of Maryland~~ ^{Mr. Pennington} ~~of Maryland~~ ^{of New Jersey}
and Mr. McKean of Delaware — That, as the Con-
federation had enumerated sundry things which
should not be done but by the assent of nine
states — and that no other question (except for
adjourning from day to day) should be determined
unless by the vote of a majority of the United
States in Congress assembled, — It was evident
that the confederation intended nine states
should be a quorum to do business and that
a majority of the nine (viz. five) was its
sufficiency to determine any matter except
the matters enumerated as above mentioned —
That unless this construction was put on the
clause would not be able to do much of
and instances of the Practice of the British
Parliament and that of corporations were
introduced to inform these arguments —
And much fine reasoning and sophistry
not much to the Honour or Credit of those

(6)
those on this side of the question was made
use of - and indeed no species of artful reason-
ing within the reach of a lawyer was left
untried ^{on} this occasion - How we had an oppor-
tunity of seeing that Maxim verified that all
men would be Tyrants if they had the power
and I must confess I was sorry to see such a
keen struggle to increase the powers of Congress
beyond what the States intended, so early as but
the third day after completing the Confederation
But all their arguments were so fully answered
by W. M. Smith of N. Carolina - that W.
of Connecticut came over to the same opinion -
Mr. ^{Smith} contended that the assent of seven States (a
Majority of the united States) was necessary to
determine every question in Congress except
advancing - he said he well remembered the
arguments, and the gentlemen who advanced
them on this subject when the Confederation
was formed; that the matter was then fully
debated

(7)
debated and that it was the sense of Congress at
that time that less than a Majority ^{of the States} should not
determine any question in Congress - that Majority
at present is seven, but that the reason why
Congress chose to mention the Majority in
stead of the number seven which at present
is a Majority was because they expected that
Canada would accede to the Confederation
and in that case seven would have ceased
to be the Majority - and that the clause
was in such plain and explicit language
that he could not see how it should or could
be understood other ways - That if the matter
was determined otherwise, it would put it
in the power of ^{a minority of} five States by entering
into a Junta or Cabal to ruin the Major-
ity of rights - that it was contrary to
the compact of civil society for the
minority to rule the Majority but that

(8)
that if this question was determined as the
other gentlemen wished, it would affect the
base in the united States, whenever it happened
that two or more of the States were not
represented in Congress - But he said let
Congress pretend to determine as they would
they could not destroy the force of the Confederation
that if they attempted to early to claim
powers that were not expressly given by
that Charter or began to pervert it to in-
crease their power they would give a dreadful
alarm to their Constituents who are so
jealous of their Liberty - Col. M'larin of
Virginia M^r. Matthews of S. Carolina coincided
with M^r. Sumner - But the opposite party re-
plied that the clause could not mean
a majority of all the United States but the
the plain and obvious meaning of the word
was a majority of such States as should be

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be from time to time represented in Congress
Thus all the steps of the argument on their
side lay in the construction of the following
words to wit "A Majority of the United States
in Congress assembled" South Carolina &c
mistaking the plain meaning of these words
as well as some of the present disputants in-
structed their Delegates to give the words "in
Congress assembled" struck out And then
they alledged there would remain no doubt,
but if they had fully attended to the whole
intention of this sentence they would have
seen that this would have destroyed one
half and more of its true meaning, and
thereby have left one half the Confederation
out of the power of Congress - Now I -
conceive this sentence includes two things
viz? That every question not requiring ~~more~~

that
the